

REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action of October 31, 2007 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a heat transfer label with an electron beam cured surface, and to a method for producing the same.

Claims 1, 2, 6, 8, 11, 12, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Hiatt et al., U.S. Patent No. 6,254,970 (Hiatt et al.), and claims 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hiatt et al. as applied to claim 1. The Office Action states, inter alia, that while Hiatt et al. does not teach the thicknesses of the electron beam cured layer and the protective layer in terms of lbs/3,000 sq. ft. as claimed, one of ordinary skill in the art would have been motivated to adjust the thickness of the layers in order to ease transferrability of the transfer portion and to enhance the color density of the ink design layer.

Hiatt et al. relates to a heat transfer label system, and is characterized in that it employs a carrier substrate and transfer release agent that minimizes or eliminates the transfer of the transfer release agent to the label during the process in which the label is affixed to a surface such as a package surface.

In order to enhance the prosecution of the present application, the claims have been clarified by this Amendment and Response; Applicant respectfully contends that Hiatt et al. provides no reasonable expectation that Applicant's invention as presently claimed would be successful. Hiatt et al. makes reference to its release agent at column 3, lines 64-67 – column 4, line 1, as follows: “... *the transfer release agent of the present invention comprises a layer having a thickness of approximately 0.3 to 0.5 mils. The resulting release agent typically provides approximately 0.5 to 1.0 pounds of wax per 6000 square feet of coated surface.*” (emphasis added) In contrast, the emulsion wax or other release material of the instant invention as presently claimed has a thickness of about 0.75 lbs. per 3,000 square feet, far outside the parameters taught in Hiatt et al. Indeed, the reference provides no reasonable expectation that such a value would be successful or desirable. Thus, this rejection is overcome.

Claims 1, 6-12, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over He et al. (US 2005/0100689 A1) in view of Hiatt et al. This rejection is overcome based on the previous discussion.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of October 31, 2007 are respectfully requested. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

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